

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF WEST VIRGINIA**

**DIANA MEY,  
CRAIG CUNNINGHAM,  
STEWART ABRAMSON, and  
JAMES EVERETT SHELTON,  
individually and on behalf of a class of all  
persons and entities similarly situated,**

**Plaintiffs,**

**vs.**

**Case No. 5:17-cv-00179-JPB**

**DIRECTV, LLC;**

**and**

**AC1 COMMUNICATIONS, a DirecTV Authorized Dealer,  
and its principal, ADAM COX;  
BIRJU, LLC, a DirecTV Authorized Dealer;  
CDS V1, LLC d/b/a COMPLETE DIGITAL SOLUTIONS,  
a DirecTV Authorized Dealer;  
NAS AIR LOGISTICS, LLC, a DirecTV Authorized Dealer;  
EXACT ESTIMATING, LLC, a DirecTV Authorized Dealer;  
EXPLOSIVE SALES MARKETING GROUP, INC,  
a DirecTV Authorized Dealer,  
IQ MARKETING 2, CORP., d/b/a PACIFICOM,  
a DirecTV Authorized Dealer, and its principal,  
MICHAEL ASGHARI;  
KREATAMOTIVE LLC, a DirecTV Authorized Dealer; and  
MYLAN JOHNSON GROUP, a DirecTV Authorized Dealer;  
XCITE SATELLITE, LLC, a DirecTV Authorized Dealer;  
PIC SIX, LLC, a DirecTV Authorized Dealer;  
SUPER SALE OUTLETS, LLC, a DirecTV Authorized Dealer;**

**Defendants.**

**Plaintiffs' Unopposed Motion for Leave to File Second Amended Class Action Complaint**

Under Rule 15(b) of the Federal Rules of Civil Procedure, Plaintiffs respectfully move for leave to file the attached proposed Second Amended Class Action Complaint. In support thereof, Plaintiffs state:

1. Plaintiffs filed their original Class Action Complaint on December 11, 2017.  
(ECF No. 1.)
2. Plaintiffs filed their First Amended Class Action Complaint on November 1, 2018  
(ECF No. 57.)
3. A Scheduling Order with a deadline for amending pleadings has not been entered, as the case is presently before the Court of Appeals on the threshold issue of arbitrability of claims against DirecTV.
4. Rule 15(b) permits a party to amend its pleading with the opposing party's consent or the court's leave, and further provides that "[t]he court should freely give leave when justice so requires."
5. Plaintiffs seek the amendment for two main reasons:
  - a. To supplement the original Complaint with factual allegations regarding several additional DirecTV telemarketing calls that Plaintiffs received since the filing of the Complaint; and
  - b. To join David Vance, Russell Locke, and Thomas Stark as additional Plaintiffs and class representatives.
6. The proposed Second Amended Complaint is attached as Exhibit A.
7. Counsel for Plaintiffs have consulted with counsel for DirecTV, LLC, and DirecTV has advised that it does not oppose the filing of the Second Amended Complaint so long as the case against DirecTV remains stayed pending the appeal.

Plaintiffs respectfully submit leave to file the attached Second Amended Class Action Complaint is appropriate under the liberal Rule 15(a) standard, and requests that their motion be granted.

Dated: March 18, 2020

Respectfully submitted by,

/s/ John W. Barrett  
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*Counsel for Plaintiffs*

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**Defendants.**

**CERTIFICATE OF SERVICE**

I, John W. Barrett, hereby certify that on March 18, 2020, I served a true and correct copy of “*Plaintiff’s Unopposed Motion for Leave to File Second Amended Class Action Complaint*” was filed with the Clerk of Court using the CM/ECF System, which caused a true and accurate copy of such filing to be served upon the following counsel of record:

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/s/ John W. Barrett  
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